

HIPAA - Privacy – Reserve and Guard

TRICARE Management Activity, Electronic Business Policy & Standards

HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996 (HIPAA)

HIPAA Privacy Rule

The Military Health System (MHS) must be in compliance with the Department of Health and Human Services' Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule by April 14, 2003. The HIPAA Rule protects the use and disclosure of protected health information (PHI), i.e., individually identifiable health information, including demographics. PHI may be in paper, electronic or verbal medium. The rule requires the MHS to inform the patient of how his or her PHI is being used, provides various patient rights, and restricts information used and disclosed to the "minimum necessary." In general, the rule allows the use and disclosure of PHI for treatment, payment and healthcare operations. Other uses and disclosures that are not required or permitted by the rule require authorization from the patient. Department of Defense (DoD) Regulation 6025.LL-R, "DoD Health Information Privacy Regulation" describes the DoD implementation strategy of the HIPAA Privacy rule. It is currently being finalized for signature; however a draft has been provided to the Services.

Who is Impacted by HIPAA?

'Covered entities' under HIPAA, i.e., those to whom HIPAA applies, are health plans, (e.g., TRICARE), health care providers who transmit health information in certain standard electronic transactions, including the Military Treatment Facilities (MTFs), and clearinghouses, (e.g., companies that perform electronic billing on behalf of MTFs). Covered entities also include business associates, e.g., managed care support contractors.

To be considered a covered entity under HIPAA the provider must electronically transmit one or more of the following standard transactions

- Health care claims or equivalent encounter information (ASC X12N 837 Ver 4010)
- Coordination of benefits (ASC X12N 837 Ver 4010)
- Health care payment and remittance advice (ASC X12N 835 Ver 4010)
- Health care claim status (ASC X12N 276/277 Ver 4010)
- Enrollments and disenrollments in a health plan (ASC X12N 834 Ver 4010)
- Eligibility for a health plan (ASC X12N 270/271 Ver 4010)
- Health plan premium payments (ASC X12N 820 Ver 4010)
- Referral certification and authorization (ASC X12N 278 Ver 4010)
- First report of injury (when issued)
- Health claims attachments (when issued)

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OSD(HA), TMA eBPS

Highlights

- ♦ HIPAA Privacy Rule
- ♦ Who is Impacted by HIPAA?
- ♦ MHS Notice of Privacy Practices
- ♦ Stages of Implementation
- ♦ Service Points of Contact

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MHS Notice of Privacy Practices

As members of the TRICARE Health Plan, Reserves and Guard forces must be informed of how the MHS may use and disclose their PHI. The Notice of Privacy Practices (NoPP) is a “plain language” document that describes:

- ♦ How the MHS may use and disclose PHI
- ♦ Patients’ rights to
 - Request to inspect, copy and amend their PHI
 - Request restriction or expansion of the use and disclosure of PHI
 - Request confidential communications by alternative means
 - Request an accounting of disclosures
 - Obtain a copy of the notice
- ♦ Patient complaint process
- ♦ Contact information

The NoPP is being mailed to the home address of all TRICARE sponsors listed in the Defense Eligibility Enrollment Reporting System (DEERS) between December 2002 and March 2003. It will also be available on the website www.tricare.osd.mil/hipaa. MTFs will request signed acknowledgment of receipt of the NoPP during patient encounters. Beneficiaries will be asked to sign a medical record label indicating they have received a copy of the notice; however the provision of care will in no way be conditioned upon your signed acknowledgment. The medical record label will indicate to each MTF that you have acknowledged receipt. You will not be required to sign an acknowledgement at each MTF.

Stages of Implementation

1. Identify Reserve and Guard workforce who are assigned to an MTF for drills or annual training. Those members will require HIPAA Privacy training from their MTF when they become a part of that workforce.
2. When Reserve and Guard members drill, brief personnel on the requirement to complete HIPAA Privacy training as a part of an MTF’s workforce. TMA is providing a web based training tool. You must train
 - ♦ The entire workforce by April 14, 2003 and conduct annual refresher courses thereafter
 - ♦ New employees following hire
 - ♦ Affected employees after material changes in policies
3. Distribute the NoPP, when applicable.
4. Record signed acknowledgment of receipt of the NoPP.

Service Points of Contact

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